

May 12 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 09-0500

FILED

MAY 12 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

LON PETERSON,

Plaintiff, Appellant, and Cross-Appellee,

v.

ST. PAUL FIRE & MARINE INSURANCE
COMPANY,

Defendant, Appellee, and Cross-Appellant.

O R D E R

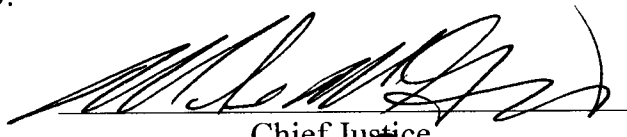
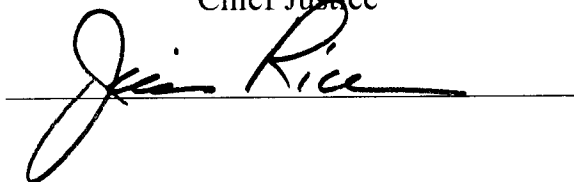
Briefing in this matter has been completed and oral argument has been heard. St. Paul Fire & Marine Insurance Company has filed a motion for consideration of additional authority. Lon Peterson has filed a written objection to that motion on the ground that St. Paul is attempting to make new arguments for the first time on appeal.

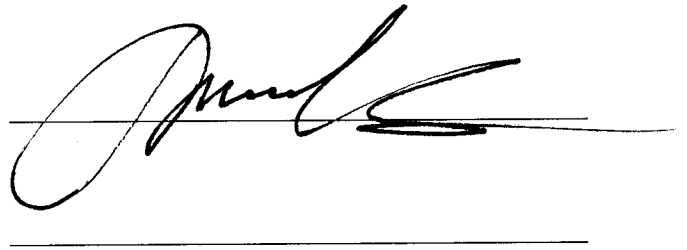
Rule 12(6), M. R. App. P., allows a party to advise the Court of "pertinent and significant authorities" that have come to the party's attention after the party's brief has been filed or after oral argument. However, the Rule further provides that such authorities are to be submitted to the Court "without argument." Therefore,

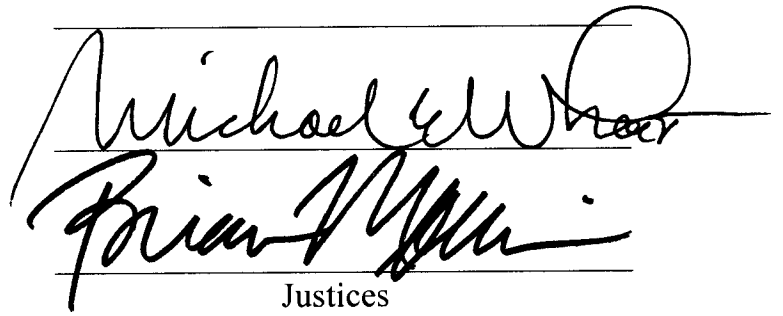
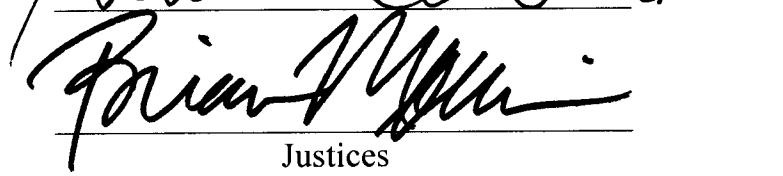
IT IS HEREBY ORDERED that the Court will permit filing of the additional authority provided by St. Paul, but the "argument" portion of the motion will be disregarded.

The Clerk is directed to provide copies of this Order to all counsel of record.

DATED this 12th day of May, 2010.


Chief Justice


A handwritten signature in black ink, appearing to be "Paul", written over a horizontal line.



Justices